

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BENNIE CARL GATEWOOD,

Plaintiff

v.

ALLSTATE LIFE INSURANCE
COMPANY,

Defendant.

NO. CIV-14-373-C

DEFENDANT'S NOTICE OF REMOVAL

Defendant, Allstate Life Insurance Company (“ALIC”) files this notice of removal under
28 U.S.C. §1446(a).

A. INTRODUCTION

1. On March 14, 2014, Plaintiff sued ALIC in Oklahoma County District Court regarding a life insurance policy that was surrendered over 30 years ago. Plaintiff has asserted claims against ALIC for breach of contract and breach of the implied covenant of good faith and fair dealing. Plaintiff claims ALIC's breach was willful and malicious or grossly reckless and wanton and has demanded judgment against ALIC in an amount in excess of \$75,000.00.

2. ALIC was served with notice of the suit on March 27, 2014. ALIC files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b).

B. BASIS FOR REMOVAL

³. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9th Cir.

2006). Plaintiff is a citizen of Oklahoma. ALIC is incorporated in Illinois and its principal place of business is Cook County, Illinois. Additionally, the amount in controversy exceeds \$75,000, excluding interest and costs. 28 U.S.C. §1332(a); *Andrews v. E.I. du Pont de Nemours & Co.*, 447 F.3d 510, 514-15 (7th Cir. 2006). The amount of the terminated policy is \$5,000.00 but Plaintiff's Original Petition seeks to recover damages in excess of \$75,000.00.

4. A copy of the state court docket sheet along with copies of all pleadings that assert causes of action, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a), as follows.

- i. Docket Sheet, Exhibit A;
- ii. Petition, Exhibit B;
- iii. Entry of Appearance for Steven S. Mansell, Exhibit C;
- iv. Entry of Appearance for Mark A. Engel, Exhibit D;
- v. Entry of Appearance for Kenneth G. Cole, Exhibit E.

5. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district. The suit was pending in the District Court of Oklahoma County.

6. ALIC will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. JURY DEMAND

7. Plaintiff demanded a jury in the state-court suit.

D. CONCLUSION

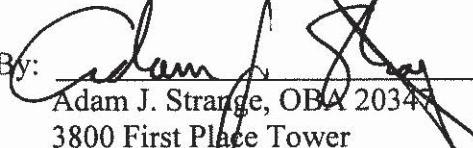
8. There is complete diversity among the parties and the amount in controversy exceeds \$75,000.00. For these reasons, ALIC asks the Court to remove the suit to the Western District of Oklahoma.

DATED: April 15, 2014

Respectfully submitted,

JONES, GOTCHER & BOGAN, P.C.

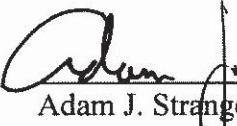
By:


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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2014, I caused to be mailed in the United States Mail a true and correct copy of the above and foregoing Notice of Removal with proper postage fully prepaid thereon to:

Steven S. Mansell
Mark A. Engel
Kenneth G. Cole
101 Park Avenue, Suite 665
Oklahoma City, Oklahoma 73102
mansell-engel@coxinet.net


Adam J. Strange